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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

November 22, 1999

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BY FACSIMILE

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

This letter responds to a November 16, 1999 letter (hand delivered on November 19th) from the Office of Management and Budget (OMB), which provided a fraction of the information requested in my June 9th and October 13th letters about the Paperwork Reduction Act. For our oversight needs, I requested that, starting July 1st, OMB keep detailed and complete records about OMB's role in government-wide paperwork reduction.

First, I fundamentally disagree with OMB's assertion that "the only time that OIRA makes a substantive change to an agency paperwork submission is at the end of the review process, when OIRA disapproves all or part of the agency's paperwork submission." The Subcommittee is aware that most substantive changes made by OMB are made in agency paperwork submissions which are approved by OMB with changes, i.e., not those disapproved by OMB. These may include elimination of some questions, a reduction in the frequency, introduction of sampling, etc. As a consequence, on June 9th, I asked that OMB, starting July 1st, revise its system, as needed, so that OMB could provide detailed and complete information to the Subcommittee about OMB's role in government-wide paperwork reduction. That information must include substantive changes made by OMB to agency submissions which OMB approves with changes.

For the July 1st through September 30th quarter, I requested OMB to provide a chart in an exact format which I provided. The format was designed to provide information about any substantive change to an agency paperwork submission made by OMB, as well as each additional paperwork reduction candidate independently identified by OMB. Most of the 29 individual docket worksheets in OMB's response for its various "non-approval" actions do not reveal the substantive nature of changes, if any, made by OMB. This information is necessary for our oversight of OMB's performance and must be systematically recorded.

Nonetheless, the Subcommittee completed as much of the requested table as possible (see the attached table). Column 4 largely does not describe the substantive changes made by OMB since this information was not included in OMB's response. Since OMB provided no information about the paperwork reduction candidates added by OMB during the quarter, column 5 shows all zeros. The table also shows that two of the 29 OMB "non-approval" actions were due to clerical mistakes and four were improperly submitted by the agency but may be resubmitted later. Therefore, OMB may want to remove some of the 29 actions previously claimed as having substantive changes made by OMB.

Please provide the missing information in columns 4, 5 and 6 using the exact format provided by the Subcommittee and add a row for each agency submission approved by OMB with any substantive change in paperwork made by OMB. A computer disc with a copy of the table as completed by the Subcommittee is attached to this letter for OMB's use. Please provide the Subcommittee with a copy of the fully completed table on a computer disc.

Lastly, I want to express my dissatisfaction that OMB's response revealed no substantive changes made by OMB to paperwork required by the Internal Revenue Service (IRS). This is completely unacceptable since IRS accounts for nearly 80 percent of all government-wide paperwork burden on the public. I expected that, after our April 15th hearing which included testimony by the IRS Commissioner, OMB would strengthen its staffing devoted to IRS paperwork, to show the Administration's commitment to Congress' intent to reduce paperwork burden. Since April 15th, did OMB make any changes in its staffing devoted to IRS paperwork?

Need I remind you that OMB's record on paperwork reduction has been less than sterling? OMB is supposed to be the Federal government's watchdog agency, guarding the public against waste, fraud, and abuse. Yet, as the General Accounting Office testified at the April 15th hearing, OMB provided a falsely inflated picture of the Administration's paperwork reduction accomplishments, pretending that paperwork still in use but without legal authorization did not exist, even though citizens were still filling it out and agencies still using it. If OMB continues to ignore my reasonable request for quarterly reporting on paperwork reduction accomplishments, I am prepared to again share my frustrations with my colleagues on the Appropriations Committee so that OMB's staffing and/or funding could be adjusted accordingly, as I previously recommended.

Your response, including a fully completed table in the exact format requested by the Subcommittee, should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Monday, December 20, 1999. If you have any questions about this request, please call

Professional Staff Member Barbara Kahlow on 226-3058. Thank you for your attention to this request.

Sincerely,

A handwritten signature in black ink that reads "David McIntosh". The signature is written in a cursive, slightly slanted style.

David M. McIntosh

Chairman

Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

Attachment & Disc

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich
The Honorable George V. Voinovich

OMB Changes to Agencies' Proposed and Existing Paperwork Burden

Agency	# of Agency PRA Submissions with Any Substantive Change Made by OMB	OMB #s (if any) of Each Agency PRA Submission with Any Substantive Change Made by OMB	For Each PRA Submission in Column 3, Brief Description of Substantive Change(s) Made by OMB	# of Paperwork Reduction Candidates Added by OMB	OMB #s of Each Paperwork Reduction Candidate Added by OMB
Agriculture	5	0560-0196 0596-0148 0575-0177 0570-0033 0570-0034	emergency new - withdrawn emergency new - disapproved due to concerns re sampling methodology, duplication, etc. new - withdrawn since improperly submitted & to be resubmitted closer to NPRM date new - withdrawn due to insufficient info on statistical methodology new - withdrawn	0	-
Commerce	1	0694-0121	new - improperly submitted before OMB action on major NPRM	0	-
Defense	0	-	-	0	-
Education	2	1875-0163 1840-0749	new - improperly submitted due to incomplete submission new - improperly submitted	0	-
Energy	0	-	-	0	-
HHS	4	0910-0407 0970-0201 0930-0204 0910-0413	new - withdrawn new - withdrawn til agency responds to questions new - withdrawn emergency new - withdrawn due to double entry clerical mistake	0	-
HUD	1	2501-0015	emergency new - withdrawn because approved already under GSA, i.e., clerical mistake	0	-
Interior	1	1076-0150	new - disapproved but to be resubmitted with regulatory submission	0	-

Agency	# of Agency PRA Submissions with Any Substantive Change Made by OMB	OMB #s (if any) of Each Agency PRA Submission with Any Substantive Change Made by OMB	For Each PRA Submission in Column 3, Brief Description of Substantive Change(s) Made by OMB	# of Paperwork Reduction Candidates Added by OMB	OMB #s of Each Paperwork Reduction Candidate Added by OMB
Justice	4	1103-0062 1115-0166 1121-0185 1121-0227	new - withdrawn reinstatement w/o change - withdrawn reinstatement w/o change - withdrawn emergency reinstatement w/o change - withdrawn	0	-
Labor	2	1205-0401 1205-0403	emergency new - withdrawn but will be resubmitted with more info emergency new - withdrawn but will be resubmitted with more info	0	-
State	0	-	-	0	-
Transportation	0	-	-	0	-
Treasury (except IRS)	0	-	-	0	-
Treasury/IRS	0	-	-	0	-
Veterans Affairs	0	-	-	0	-
EPA	4	2050-0144 2060-0408 2060-0412 2080-0059	revision - withdrawn but existing paperwork continued w/o any reduction in burden new - withdrawn new - withdrawn new - withdrawn	0	-
FEMA	0	-	-	0	-
NASA	0	-	-	0	-
NSF	0	-	-	0	-

Agency	# of Agency PRA Submissions with Any Substantive Change Made by OMB	OMB #s (if any) of Each Agency PRA Submission with Any Substantive Change Made by OMB	For Each PRA Submission in Column 3, Brief Description of Substantive Change(s) Made by OMB	# of Paperwork Reduction Candidates Added by OMB	OMB #s of Each Paperwork Reduction Candidate Added by OMB
NRC	0	-	-	0	-
OPM	0	-	-	0	-
SBA	1	3245-0321	new - disapproved due to invalid survey design (especially sampling methodology), etc.	0	-
SSA	0	-	-	0	-
Other Executive Branch Agencies	3	3046-0017 3045-0058 3045-0059	EEOC: extension - withdrawn but existing paperwork continued w/o any reduction in burden CNCS: new - withdrawn but may be resubmitted CNCS: new - disapproved due to study design, practical utility problems, etc.	0	-
Independent Regulatory Commissions	1	3060-0854	FCC: emergency revision - disapproved due to Y2K & other concerns	0	-
TOTAL	29			0	